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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,342	03/23/2000	Colin D. Nayler	E0871	9949
45305	7590	11/28/2005	EXAMINER	
RENNER, OTTO, BOISSELLE & SKLAR, LLP (AMDS)			KUMAR, PANKAJ	
1621 EUCLID AVE - 19TH FLOOR			ART UNIT	
CLEVELAND, OH 44115-2191			PAPER NUMBER	
			2631	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/533,342

Applicant(s)

NAYLER, COLIN D.

Examiner

Pankaj Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 is/are allowed.
- 6) ☒ Claim(s) 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 21, 22 have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Tzukerman USPN 6,724,829.
4. As per claim 21, Kim teaches a) an input amplifier for amplifying a received modulated carrier signal according to one of a plurality of amplifier gain settings and outputting an amplified carrier signal (Kim fig. 1: inherent for tuner 102 to also be an amplifier especially when it is being controlled through a gain control circuit); b) a first gain control circuit for providing a first amplifier gain setting based on a carrier signal modulated in accordance with a first modulation method (Kim fig. 3: 214); c) a second gain control circuit for providing a second amplifier gain setting based on a carrier signal modulated in accordance with a second modulation method (Kim fig. 3: 225); d) a selection circuit for analyzing the carrier signal and automatically identifying whether the carrier signal is modulated in accordance with the first

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modulation method or the second modulation method (Kim fig. 3: 230), and for providing a gain control signal to the input amplifier (Kim fig. 3: “AGC signal to tuner”) to amplify the carrier signal with either the first amplifier gain setting (Kim fig. 3: 214) or the second amplifier gain setting (Kim fig. 3: 225)

5. What Kim does not teach is to amplify based on the modulation method identified by the selection circuit. Tzukerman teaches to amplify based on the modulation method identified by the selection circuit (Tzukerman claim 1). Thus, it would have been obvious, to one of ordinary skill in the art, at time the invention was made, to arrive at the amplify based on the modulation method identified by the selection circuit as recited by the instant claims, because the combined teaching of Kim with Tzukerman suggest amplify based on the modulation method identified by the selection circuit as recited by the instant claims. Furthermore, one of ordinary skill in the art, would have been motivated to combine the teachings of Kim with Tzukerman because Kim suggests selecting the gain (Kim fig. 3: 230) (something broad) in general and Tzukerman suggests the beneficial use of selecting the gain based on the modulation such as maintaining average constant power level (Tzukerman col. 2 lines 36-38) because different modulations have different powers (Tzukerman col. 2 lines: 32-34) in the analogous art of amplifying.

6. As per claim 22, Kim in view of teaches the network receiver of claim 21, wherein the selection circuit includes envelop detection circuitry for detecting the duration of a power pulse in the envelope signal (Kim: signal duration is inherently detected based on its power when the signal is output – the duration is from the time the signal started to be over a particular power threshold to the time it stopped being over a particular power threshold).

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Allowable Subject Matter

7. Claims 1-20 are allowed.
8. Claims 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. See prior action(s) for details.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (571) 272-3011. The examiner can normally be reached on Mon, Tues, Thurs and Fri after 8AM to after 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pankaj Kumar
Patent Examiner
Art Unit 2631

PK